

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">27-17-01</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">5</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
<p>Authority/References</p> <p>KRS 439.177, 439.330, 439.430, 439.470, 439.480, 439.570, 533.050 Probation and Parole ACA Standards 3-3170, 3-3171, 3-3172, 3-3173</p>	<p>Subject</p> <p style="text-align: center;">ABSCONDER PROCEDURE</p>	

I. DEFINITION

“Absconder” means an offender who conceals his location from the officer.

II. POLICY and PROCEDURE

A. Initial Investigation

If the officer has reasonable suspicion to believe an offender has absconded, the following measures shall be taken within thirty (30) days. (3-3170)

1. Investigate the last known residential address, place of employment and whether the offender is lodged at any local jails.
2. Contact family, friends, hospitals, utility companies, and social service agencies with whom the absconder has been associated.
3. Review the absconder's case file for possible contacts or leads that may aid in locating him.
4. Make repeated inquiries and checks at locations where the absconder may be most likely to appear.
5. Inquire with local law enforcement agencies as to the absconder’s possible location.

B. Parole Absconder

If the officer has probable cause to believe a parolee has absconded, the officer shall immediately prepare and submit a sworn and notarized supervision reporting document to Central Office detailing the violations and the steps taken to locate the absconder. The supervision reporting document should also include any other major violations of the conditions of supervision.

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1. Parole Violation Warrant

The original parole violation warrant shall be retained on file in Central Office until the absconder is apprehended. The officer shall be notified that a warrant has been issued and a copy shall be emailed to the officer. Upon notification that the parole violation warrant has been issued, the officer may, within thirty (30) days, inform the sheriff or other local law enforcement agencies in writing that the warrant has been issued. (3-3172)

2. Emergency Situations

If an emergency situation arises and a warrant is needed immediately for an absconder, the officer shall contact the District Supervisor or designee and discuss the situation. Upon obtaining the Supervisor's approval, the officer shall prepare a supervision reporting document and contact the designated staff person in Central Office who shall immediately contact the Parole Board advising of an emergency request for warrant. If the warrant is issued, the designated staff person shall notify the proper authorities, providing each with specific information relayed by the officer of absconder's location. (3-3172)

3. National Crime Information Center (NCIC) and Law Enforcement Network of Kentucky (LINK)

For a parolee, once the parole violation warrant is issued, a designated staff in Central Office shall enter the absconder's name and identifying data into NCIC and LINK.

4. Receipt of Additional Absconder Information

If the officer receives any additional information regarding the absconder's location, the officer shall immediately notify an officer in the appropriate district. If the absconder is out of state, the designated staff member in Central Office shall handle all correspondence with out-of-state authorities. Additional information shall be submitted to Central Office in a supervision report for further documentation. Any information received by the Officer and any action taken shall be recorded in the case management system chronological entries within three (3) working days.

5. Location of Parole Absconder

If an absconder is lodged, the following procedures shall be followed:

- a. Central Office shall forward an emailed copy of the parole violation warrant to the officer in the district where the absconder

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is lodged. The officer shall contact the LINK and NCIC staff member immediately upon notification that the offender is lodged for removal of the absconder's name from the system.

- b. The officer in the district where the absconder is lodged shall:
 - (1) Serve notice of a preliminary revocation hearing within seventy-two (72) hours, including the waiver option, waiver of hearing site, and citation;
 - (2) Prepare an electronic prisoner intake notification document and save it in the system
 - (3) Prepare the notice of the preliminary revocation hearing for the supervising officer or designee.
- c. The supervising officer shall prepare the supervision reporting document, notice of preliminary revocation hearing, and the arrest citation and send a copy of each to Central Office.

6. Hearing Site

If an absconder is apprehended in a county other than the county of supervision, within the Commonwealth of Kentucky, the following procedure shall apply:

- a. An officer in the county where the absconder is lodged shall present a waiver of hearing site to the absconder.
- b. If the absconder waives the hearing site to have the preliminary hearing at the present location, the officer in the county where the absconder is lodged shall serve the appropriate preliminary hearing documents.
- c. If the absconder waives the preliminary hearing, the waiver of hearing site is not necessary.

If the absconder chooses not to waive the hearing site, he shall be returned by the supervising officer or designee to a county at, or reasonably near, the site of the violation for a preliminary hearing.

8. Preliminary Hearing

- a. The officer shall prepare a notice of preliminary hearing charging the absconder with violations listed on the parole violation

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warrant. Violations that occurred after the warrant is issued may be listed on the notice of hearing document.

- b. The officer shall schedule a date for the preliminary hearing with the Parole Board's designated staff.
- c. A supervision reporting document shall be prepared and attached to the notice of preliminary hearing document. The supervision reporting document shall contain a summary of the absconder's conduct while on supervision.

C. Probation, Pre-Trial Diversion, and Conditional Discharge Absconders

If the officer has probable cause to believe a probationer pre-trial diversion, or conditional discharge and the offender has absconded from supervision, the officer shall proceed as follows:

- 1. Prepare and submit the documents required by the probating court, detailing the investigation and evidence of absconding.
- 2. Request a motion to revoke probation or a bench warrant for probation violation from the probating court. The warrant shall be processed according to court procedures.
- 3. In those counties where law enforcement notification is not a part of the court's procedure, the officer may notify the sheriff's office or other local law enforcement officials of the warrant and provide any available information as to the absconder's location.
- 4. Provide personal identifiers necessary for local, LINK or NCIC entries on the absconder to the official responsible for entering warrants in the judicial district; however, Probation and Parole staff shall not enter a Circuit Court bench warrant into LINK or NCIC.
- 5. Upon apprehension of the absconder, schedule a revocation hearing through the appropriate court personnel.

D. Continuing Attempts to Apprehend Absconders

Following the issuance of a warrant, the officer shall continue his efforts to locate an absconder. Probation and Parole absconders shall be maintained as active cases, unless otherwise directed by the releasing authority, Deputy Commissioner, or designee. At least one (1) attempt to locate the absconder shall be conducted quarterly and documented in the case management system.

Examples of efforts to locate:

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1. Local, LINK or NCIC record check.
2. Contact family or known associates.
3. Notification to officers in the jurisdiction where the absconder has family, friends, or previous arrest history.
4. Act upon new information received about the absconder.
5. Other attempts as recommended by District Supervisor or designee.

E. Recommendations

An absconder who does not commit a new crime and does not present an undue risk to the public, or who surrenders, may be recommended to be continued on community supervision. (3-3171)